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1   **REMARKS**

2   The Applicants respectfully request reconsideration and allowance of Claims 1-22 in

3   view of the following arguments.

4

5   STATUS OF THE CLAIMS

6   The present application was filed with Claims 1-22. Claims 2, 5, 8, 10, 13, 14, 18, 19,

7   and 21 are amended above to address informalities. These amendments do not change the scope

8   of the Claims, but merely correct certain antecedent basis errors in the originally filed claim set.

9   Claims 1-22 remain pending in this application.

10

11   CLAIMS 1-22 ARE NOT OBVIOUS OVER THE CITED PRIOR ART

12   The Examiner rejected Claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over

13   U.S. Patent No. 6,321,236 to Zollinger, et. al ("Zollinger" or "the Zollinger Patent"). The

14   Applicants respectfully submit that the claims are not obvious over this reference on the ground

15   that the prior art patent does not include each element required in the respective claims.

16   Furthermore, there is no teaching or suggestion to modify the reference as proposed by the

17   Examiner.

18

19   The Zollinger Patent

20   The Zollinger Patent is directed to a system for relaying information changes made to a

21   data store to copies of the data store at remote client computers. In particular, the Zollinger

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1   Patent addresses the problem of updating remote copies of a data store where there is not

2   necessarily any continuous communication path between the central data store and the remote

3   copies. In order to minimize the amount of data that must be transferred to the remote client to

4   perform an update, Zollinger creates update sets periodically at the central data store by

5   comparing a current version of the data store to a stored reference version. The result is a set of

6   update data that includes just the data representing the differences between the reference version

7   and the current data store version. This update data is then used to update the remote data stores

8   as updates are requested.

9   It is important to note that the Zollinger Patent does not teach or suggest any system or

10   method for synchronizing prioritized data between a client and a data store. In each case, the

11   system described in Zollinger updates whole data tables. The Zollinger system provides no

12   mechanism for updating only a prioritized subset of data for a client.

13

14   Zollinger Fails to Teach or Suggest all of the Elements Set Out in the Claims

15

16   To establish a prima facie case of obviousness, three basic criteria must be met. First,

17   there must be some suggestion or motivation, either in the reference itself or in the knowledge

18   generally available to one of ordinary skill in the art, to modify the reference. Second, there must

19   be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all

20   the claim limitations. See M.P.E.P. §2143 (2000).

21   In forming the rejection in view of the Zollinger Patent the Examiner concedes that the

22   reference does not clearly teach prioritization schemes. In order to make the rejection the

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1   Examiner found the Applicants' claimed prioritization schemes to correspond to or to be obvious

2   in view of the profile database discussed at Col. 8, lines 15-28 of the Zollinger reference. The

3   Applicant disagrees with this assessment.

4   The profile database referred to in Zollinger, particularly at the top of Col. 8, contains

5   information necessary to validate a client requesting an update, and information, such as client

6   database engine information for example, that is necessary to allow the server to place the update

7   data in a form suitable for the requesting client. The profile database in Zollinger does not

8   provide any information that would allow data from the data store to be prioritized by placing the

9   data in any particular order or by limiting the data to any particular subset of the entire data. The

10   Zollinger Patent discloses a system to update whole data tables at a remote client. As set out at

11   Col. 3, lines 35-50, the Zollinger system uses updates to make client copies of a database table

12   current. The updates include just the information on the changes in the central database table that

13   need to be reflected in the client copy in order to make the client copy current with the central

14   database table. The Zollinger Patent is simply devoid of any teaching or suggestion that the data

15   updates used to update a remote client data store are in any way prioritized either by placing data

16   in any particular order or by limiting the data in any way. That is, there is nothing in the

17   Zollinger Patent that suggests updating only a portion of a data table or limiting the update data

18   so that only some subset of a data table is made current with the central data store.

19   Claim 1 is directed to a method for implicit prioritization of synchronizable data. The

20   method includes responding to a sync session request from a client device by reading a selected

21   prioritization scheme associated with a user initiating the sync session request. The method also

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1   includes producing a prioritized data set based on the selected prioritization scheme. The word

2   "prioritize" means to list or rate in order of priority, and "priority" means a preferential rating.

3   Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc. 1985. Thus, a "prioritization

4   scheme" as set out in Claim 1 comprises a scheme to list or rate in some preferential rating. A

5   "prioritized data set" as set out in Claim 1 comprises a set of data that is listed or rated in some

6   preferential manner.

7   The two examples set out in the present application beginning at page 25, line 19 through

8   page 31, line 12, are especially helpful in understanding the present invention and illustrating the

9   differences between the Zollinger system and the invention set out in Claim 1. The prioritization

10   scheme applied in each example is entitled "most used" which ranks data according to a

11   frequency of use parameter. In each example, the prioritized data set comprises a ranking of the

12   most frequently used records from the source database and the most frequently used data in each

13   record. The prioritization allows the more limited target database to obtain the most important

14   data, that is, the most important data as determined by the priority.

15   The Zollinger Patent does not disclose or suggest the use of any preferential ranking or

16   prioritization scheme and also does not disclose or suggest any preferentially ranked or

17   prioritized data set or any way to create such a data set. Again Zollinger discloses only updating

18   entire data tables without regard to any sort of priority.

19   Because the cited reference does not teach or suggest the steps of reading a prioritization

20   scheme in response to a sync request and does not teach or suggest the creation of any prioritized

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1   data set, the Applicants submit that Claim 1 is entitled to allowance together with its dependent

2   Claims.

3   The above arguments and comments regarding the prioritization scheme and prioritized

4   data set apply with equal force to independent Claims 7 and 14. Thus, Claims 7 and 14 and their

5   respective dependent claims are also entitled to allowance over the Zollinger Patent.

6

7   <u>There is No Suggestion or Motivation to Modify the Cited Reference as Suggested by the</u>
8   <u>Examiner</u>
9
10   The Applicants respectfully submit that there is no suggestion or motivation to modify the

11   Zollinger reference as proposed by the Examiner in order to meet the Applicants' claim

12   limitations. As discussed above, the Zollinger Patent does not teach or suggest any prioritization

13   scheme or creating any prioritized data set as required in the Applicant's claims. Zollinger

14   discloses only using update data sets to make client copies of a data table current with a central or

15   parent data store. The only suggestion of prioritizing data for the purpose of synchronization

16   between one data base and another database is found in the Applicant's own disclosure. It is well

17   established that a modification of a reference under Section 103 may not be made based on the

18   teachings of the Applicant's own disclosure, rather the teaching, suggestion, or motivation must

19   come from the prior art.

20   Because the prior art provides no suggestion or motivation to modify the system shown in

21   the Zollinger Patent so as to include all of the elements set out in Claims 1, 7, and 14, these

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1   claims are not obvious in view of the cited reference and are entitled to allowance together with

2   their respective dependent claims.

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1   CONCLUSION

2   For all of the above reasons, the Applicants respectfully request reconsideration and

3   allowance of Claims 1-22

4   If any issue remains as to the allowability of these claims, or if a conference might

5   expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney

6   prior to issuing a further action in this case.

7

8   Respectfully submitted,

9   SHAFFER & CULBERTSON, L.L.P.

10
11
12   Date:_____   By:_____
13   Russell D. Culbertson, Reg. No. 32,124
14   J. Nevin Shaffer, Jr., Reg. No. 29,858
15   1250 Capital of Texas Hwy. South
16   Building One, Suite 360
17   Austin, Texas 78746
18   512-327-8932
19   ATTORNEYS FOR APPLICANTS
20
21
22
23   CERTIFICATE OF FACSIMILE
24
25   I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax
26   No. 703-872-9318) on _____.
27
28   Russell D. Culbertson, Reg. No. 32,124 _____

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